

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT ALAN DANIEL, et al.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:22-cv-05303-TMC

ORDER DENYING MOTION FOR
RECONSIDERATION

I. ORDER

Before the Court is Plaintiff Daniel's motion for reconsideration (Dkt. 70) of the Court's order granting Defendant the United States' motion to dismiss (Dkt. 68). The Court has reviewed the motion along with the response filed by the United States at the Court's request (Dkt. 72).


Under Local Civil Rule 7(h)(1), motions for reconsideration are disfavored, and the Court "ordinarily will deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence."

Daniel's motion does not meet this standard. First, Daniel raises arguments for the first time that he could have reasonably raised earlier in the litigation. *See Aronson v. Dog Eat Dog*

1 *Films, Inc.*, 738 F. Supp. 2d 1104, 1118 (W.D. Wash. 2010) (“Neither the Local Civil Rules nor
2 the Federal Rules of Civil Procedure, which allow for a motion for reconsideration, is intended to
3 provide litigants with a second bite at the apple.”). Second, Daniel does not present new evidence
4 to support his arguments that the United States failed to delegate its duty of care to Malgarini and
5 that the United States breached its duty to Daniel. *See* Dkt. 70 at 4–7. As the Court explained in
6 its order on the motion for summary judgment, the nondelegable duty doctrine imposes liability
7 on the principal when it retains control of the independent contractor’s work. Dkt. 68 at 8. Daniel
8 has not presented new evidence that the United States engaged in the types of actions that would
9 constitute control over his work. He also fails to put forth new evidence that would show that the
10 United States breached any duty it may have owed to Daniel.

11 The motion for reconsideration (Dkt. 70) is DENIED.

12 Dated this 30th day of October, 2024.

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15 Tiffany M. Cartwright
16 United States District Judge
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